

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN

**COMPLAINT AND DEMAND FOR JURY TRIAL**

JOHN BELLOCCHIO; and )  
FETCH & MORE, Inc., )  
Plaintiffs, )  
v. ) Civil Case No.  
THE KENOSHA GUARD; ) 2:20-cv-1589  
KEVIN MATHEWSON, Commander of Kenosha Guard; )  
RYAN BALCH, Member of Boogaloo Boys; )  
THE BOOGALOO BOIS; )  
KYLE RITTENHOUSE; )  
WOLVERINE WARRIORS; )  
BRIAN HIGGINS; )  
THE PROUD BOYS; )  
GAVIN MCINNES, Founder of the Proud Boys; )  
CENSORED.TV, a U.S. corporation; )  
ENRIQUE TARRIO, Chairman of the Proud Boys; )  
ERIC DOE, Leader of Wisconsin Proud Boys Chap.; )  
BRAD DOE, Deputy Commander of Wisconsin )  
Chapter of the Proud Boys; and )  
AUGUSTUS SOL INVICTUS, Commander of the )  
Fraternal Order of Alt-Knights, )  
Defendants. )

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## **INTRODUCTION**

1. We all have a dream: life, liberty and the pursuit of happiness. This is what is promised to us as citizens of the United States, and we all wish for the financial security and physical safety that underpins it all.

2. However, the alt-right and its domestic terrorist tactics are preventing business owners and their employees from achieving *their* American Dream. The Alt-Right Conspiracy—consisting of militia groups such as the Proud Boys, the Kenosha Guard, Wolverine Warriors, and the Boogaloo Bois, who have (and continue to) violently conspire to achieve their goal of forcing America into a fascist ethnosestate—pose a grave threat not only to our way of life, but to our very democracy.

3. These groups consist of members who have been charged with engaging in a domestic terrorist plot to kidnap and execute the Governor of Michigan, in an attempt to foment civil war. Others lured 17-year-old Kyle Rittenhouse to Kenosha with a Call to Arms, where he then shot three protestors; some members praised this extreme act of violence, crowning him “King Kyle” and creating photoshopped images in which superheroes bow to him.

4. “Stand back and stand by,” the President of the United States has told these groups. And these militia men are eager to comply. They post in their social media feeds that they look forward to visiting even more violence upon leftist activists; they gather together and arm themselves, patrolling the Midwest, searching for an excuse to use the guns to which they so desperately cling.

5. Now Americans are, understandably, afraid. People of Color, members of the LGBTQ+ community, women—these constitutionally protected classes—cannot leave their homes for fear of these armed men. They are prevented from exercising their rights to interstate travel, forced to cancel appointments and travel arrangements. Small business owners who belong to these

vulnerable groups are particularly hard-hit, losing not only their freedom to travel, but the revenue that comes along with it.

6. And it is all due to the violent alt-right, who must be held responsible for their crimes. They must pay for what has been lost: the lives taken and ruined, the lost property, the lost revenue—the lost American Dream. It is time to stop the Alt-Right Conspiracy, before it tears apart every scrap of the American way of life.

#### **JURISDICTION AND VENUE**

7. The Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331.
8. The Court has jurisdiction over the Wisconsin State claims via supplemental jurisdiction as set forth in 28 U.S.C. § 1367.
9. Personal jurisdiction is proper over the parties who are Wisconsin residents, as well as Defendant Rittenhouse, who travelled to Kenosha and is now facing criminal charges for his actions there. The Defendants who are not Wisconsin residents personally availed themselves of the resources in Wisconsin, therefore establishing the minimum contacts necessary to satisfy the requirements of in personum jurisdiction.
10. Venue is proper in the Eastern District of Wisconsin pursuant to 28 U.S.C. § 1391(b) as, upon information and belief, many of the acts complained of took place in this district.

#### **NATURE OF THE ACTION**

11. Since the election of Donald Trump, militia groups such as the Boogaloo Bois, Wolverine Warriors, the Kenosha Guard, and the Proud Boys have coalesced and formed an interconnected network of violent white men who wish to destroy the best parts of this country. Their terrifying domestic terrorist tactics have created the Alt-Right Conspiracy, which has visited extreme violence on the towns of Charlottesville and Kenosha, where several peaceful protestors

were slaughtered. Other members have been charged with the domestic terrorist plot that, had it succeeded, would have resulted in the kidnapping and death of the Michigan Governor.

12. Their activity across the Midwest has crippled economic activity, and in this particular case, their violent conspiracy has prevented Plaintiff from utilizing his constitutional right to freely travel and conduct business across state lines. Mr. Bellocchio has suffered from fear for his physical safety, particularly given he is part of the LGBTQ+ community, and thus has been deprived of his rights as a Citizen of the United States.

13. Additionally, his company Fetch & More, which engages in the business of training service dogs for the disabled, requires him to travel to his clients' locations. However, the danger posed by the Alt-Right Conspiracy's presence throughout the Midwest prevents him from traveling across state lines to do so. Moreover, many clients who belong to protected classes have canceled out of fear that violence will be visited upon them by these militia members, and, consequently, the business has suffered great economic loss.

14. Accordingly, Plaintiff Bellocchio brings claims pursuant to 42 U.S.C. §§ 1985(3) and 1986, as this racially motivated conspiracy has resulted in damage to his property in the form of a decreased business value and other economic loss, in addition to the physical and emotional distress suffered by him personally. The actions of Defendants and co-conspirators also deprived Mr. Bellocchio of his constitutionally protected right of interstate travel.

15. Plaintiffs further bring Wisconsin state law claims, which consist of civil conspiracy, tortious interference with business contracts, and intentional and negligent infliction of emotional distress. Plaintiffs pray for compensatory and punitive damages in addition to other forms of relief.

## **PARTIES**

### **Plaintiffs:**

16. Plaintiff John Bellocchio is a professional academic with more than twenty years of document research experience at the local, county, state, and federal level. Mr. Bellocchio holds a B.Sc. in Diplomacy and International Politics from Seton Hall University with a specialization in Middle East security, a Master of Philosophy in Mediation and Dispute Resolution from the University of New Brunswick, Fredericton, Canada, and an Ed.S. in Leadership, Management, and Public Policy from Seton Hall University. As a teacher, professor, and senior level administrator in academic institutions, he was charged with document research in a number of high-profile situations, in some cases going back more than 70 years to find an answer. A member of the LGBTQ+ community, he is now the owner of Fetch & More.

17. Mr. Bellocchio is also a veteran of two decades of leadership in some of the most difficult environments in both the public and private sector. He has spent a lifetime helping sufferers of PTSD, anxiety, and depression find their voice, become their own advocate, and through working with their dogs, free themselves from the chains that these issues often unfairly, even cruelly, impose upon people.

18. Plaintiff Fetch & More, Inc., is a United States domestic corporation. It is incorporated and has its principal place of business in New Jersey and engages in the business of training service canines. Behaviorists travel the country to provide service dogs to veterans in need and those who could not otherwise afford them. Patrons of this company are often veterans, People of Color, and/or members of the LGBTQ+ community. Though Fetch & More does business all over the United States, many customers are located in the Midwest, where, due to the violent actions of the Alt-Right Conspiracy, the company has lost a great deal of business.

**Defendants:**

19.        Defendant Kenosha Guard is an unincorporated association pursuant to Wis. Stat. chap. 193 and is the Wisconsin-based militia founded by Defendant Mathewson. The timing of its formation tracks the killing of George Floyd in Minneapolis. The Kenosha Guard put out a Call to Arms on August 24, 2020, which was welcomed with violent posts by its members and supporters. It embraced, adopted, and publicized this vicious rhetoric, with its members continuing to plan and organize to intimidate and violate the rights of Black Lives Matter (“BLM”) protestors. In furtherance of this scheme, the Kenosha Guard engaged in military tactics against peaceful protestors, including threats, harassment, assault, and more tragically, violence and death.

20.        A perfunctory review of Kenosha Guard members’ social media reveals an organization steeped in white supremacist propaganda. The rise of Black Lives Matter, a racial justice group embraced by civic organizations and respected corporations around the country, seems to have triggered men like Defendant Mathewson to form heavily armed paramilitary groups. The overwhelmingly straight, white, cisgender male members hold conspiratorial and racist beliefs, and in an attempt to uphold this worldview, they take over the streets under the facade of “protecting property” while violently harassing People of Color and their supporters.

21.        Defendant Mathewson is the Commander of the Kenosha Guard. He operated the Kenosha Guard Facebook page, set up the militia’s event, and issued the Call to Arms that was publicized around the country. Despite being aware of the explicitly violent rhetoric and threats on the Kenosha Guard’s Facebook and event page, he continued to recruit and organize armed militia, stating to law enforcement officials that they had more than 3000 RSVPs. He planned,

orchestrated, implemented, and took steps in furtherance of a conspiracy designed to threaten and terrorize U.S. Citizens, which ultimately resulted in murder and violence.

22.       Defendant Ryan Balch is a Wisconsin resident, Nazi sympathizer, and avowed member of the Boogaloo Bois. Defendant Balch assumed a lead role in “Tactical Advisement” on the night of August 25th, taking command of the squad that included Defendant Rittenhouse. Based on his own representations, Defendant Balch was uniquely qualified to assume command and direction of this group. The Southern Poverty Law Center (“SPLC”) has noted that Defendant Balch is a Nazi sympathizer who, through his social media, has expressed admiration for Adolph Hitler and the Great Replacement Theory.<sup>1</sup>

23.       Defendant Kyle Rittenhouse is an Illinois resident who traveled to Kenosha, Wisconsin on August 25th to take part in the Call to Arms. After joining a group of similarly armed men, he then proceeded to shoot three people.

24.       Defendant Boogaloo Bois is an unincorporated association pursuant to Wis. Stat. chap. 193 and a right-wing militia. The name of the group was derived from the upcoming race war and civil unrest they hope to foment.<sup>2</sup> Its members span the country, with local groups identifying themselves through various insignia that appears innocuous to the average civilian, yet, nonetheless, marks the wearer as belonging to the Boogaloo Bois. Outfits such as Hawaiian shirts combined with military-esque camouflage and other tactical gear identify the wearer to those “in the know,” particularly when they have the opportunity to gather in places like Trump rallies.

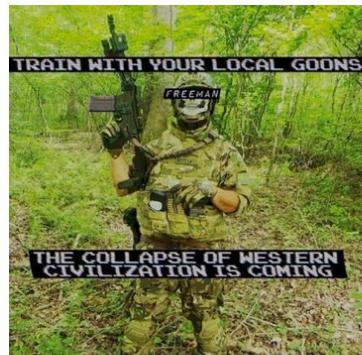
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<sup>1</sup> This theory suggests that white people are being eradicated and systematically replaced by People of Color; hence the right-wing chant heard from Charlottesville to Kenosha: “You Will Not Replace Us.”

<sup>2</sup> Southern Poverty Law Center Hatewatch on Boogaloo Bois:

<https://www.splcenter.org/hatewatch/2020/06/05/boogaloo-started-racist-meme>

25. The Hawaiian print also features heavily in their social media and is emblazoned on emblems such as their flag. The groups have a strong presence on the internet and organize through reddit, 4chan, Facebook, and other social media platforms. Its members pose with guns, adopt military-style language and terms, and otherwise acts like the domestic terrorist group it is, proudly displaying pictures with camouflage-clad men holding military assault rifles, with the caption “TRAIN WITH YOUR LOCAL GOONS; THE COLLAPSE OF WESTERN CIVILIZATION IS COMING”



26. Co-conspirators involved in the group act as if statements such as these are true, with members glorifying the flames and violence of war. They desire chaos, to overthrow the government, for might to make right where only white men rule, and they are willing to go to extreme measures to realize these goals. Thus, the organization is also known as the Bojahideen, as two members have been recently charged with providing material support to Hamas; additionally, another member was allegedly involved in the recent shooting of Sheriff's Officers in Los Angeles, California.

27. Defendant Wolverine Watchmen is a group founded by Pete Musico and his son-in-law, Joseph Morrison, who is known among the group as “Boogaloo Bunyon.” Members of this group have been charged with conspiring in a domestic terrorist plot to kidnap and execute

the Governor of Michigan. Co-conspirators Musico, Morrison, and Adam Fox have been photographed wearing the insignia of the Boogaloo Bois.

28.       Defendant Brian Higgins is a Wisconsin resident who conspired with Adam Fox, Joseph Morrison, and other co-conspirators in order to further the domestic terrorist plot to kidnap and execute the Governor of Michigan.

29.       Defendant Proud Boys is an unincorporated association pursuant to Wis. Stat. chap. 193 and self-describes as a group of “Western chauvinists.” Founded by Defendant Gavin McInnes in 2016, with its popularity rising sharply following the election of Trump, its military division is the Fraternal Order of Alt-Knights. The SPLC has labeled the Proud Boys a hate group based in part on many members’ presence at the Unite the Right rally in Charlottesville, Virginia, in addition to the racist, misogynistic, and violent rhetoric it espouses. Its presence has been banned on many social media platforms.

30.       Defendant Gavin McInnes is a Canadian-born, New York resident and founder of the Proud Boys. An outspoken Islamophobe, he has contributed articles to various alt-right websites the SPLC has designated as white supremacist hate organizations, such as VDare.com, Taki’s Magazine, and American Renaissance; one such article was entitled “I’m Not a Racist, Sexist, or a Homophobe, You N----r S--t F----t.” He also owns, contributes to, and operates CENSORED.TV, a media organization focused on espousing “Western values.”

31.       Defendant CENSORED.TV is, upon information and belief, a U.S. corporation doing business out of the state of New York. It is a subscription-based media service that hosts videos entitled “10 Things I Hate About the Goddamn Jews” and “White Noise,” in addition to promoting content featuring Milo Yiannopoulos and other popular right-wing figures.

32.       Defendant Enrique Tarrio is a Florida resident and the Chairman of the Proud Boys. He is considered a fourth-degree member, having engaged in violence against an ANTIFA demonstrator. In addition to his work organizing this group, he owns 1776 Shop, which he describes as an “online emporium for far-right merch” that sells clothing with slogans such as “War Boys” emblazoned on them. He was in attendance at the Unite the Right rally in Charlottesville.

33.       Defendants Eric Doe and Brad Doe are the Commander and Deputy Commander of the Wisconsin Chapter of the Proud Boys, respectively, with last names as yet unknown. The Wisconsin Chapter has supported the actions of Rittenhouse, calling him “King Kyle,” and in a tweet stated: “Meets across the state are set for October! We’re going to have some fun discussing our President’s upcoming orders.”

34.       Defendant Augustus Sol Invictus is a Florida resident who is involved in the American Guard as a “Sergeant at Arms,” as well as being second in command of the Fraternal Order of Alt-Knights, the military offshoot of the Proud Boys. Having espoused public calls to violence, in addition to engaging in publicity stunts such as killing a goat and drinking its blood, he is also an ardent admirer of anti-Semitic writers such as the Nazi Carl Schmitt, who he stated was “one of my primary legal, political, intellectual, and philosophical influences.” He is also enthusiastic about the works of Nazi-sympathizer Francis Yockey, whose book *Imperium* was so beloved that he named his law firm after it. He is currently facing charges for domestic violence and various firearm violations.

## **FACTS**

35.       There is a conspiracy afoot in the United States: the Alt-Right Conspiracy. A group of men connected by the same core belief system—that white is right, that outdated gender roles

should be enforced, that violence should be visited on those who do not look like them or believe what they believe—have found each other and organized into a deadly force of chaos.

36. Militia groups such as the Boogaloo Bois, the Kenosha Guard, Wolverine Warriors, and the Proud Boys have conspired to violently suppress the constitutional rights of Citizens across the United States. They have rained terror and death upon the cities of Charlottesville and Kenosha, patrolled across the Midwest while armed and ready to shoot, and engaged in domestic terrorist plots to kidnap elected officials and law enforcement officers.

37. This violence is rooted in racial animus—the anti-Semitism and hatred towards Black Americans, in particular, is well documented—sentiments they couch in language such as “Western Values” and “Make America Great Again.” This is, of course, in addition to the vitriolic misogyny and hatred of anyone who is not a straight, white, cisgender man.

38. The understandable fear that this violence has wrought upon Midwest residents, especially those who belong to vulnerable minority groups, has resulted in the deprivation of constitutional rights. Their actions have also caused grave economic loss, as businesses bleed revenue because of canceled contracts and their owners’ and employees’ reasonable fear of grave bodily harm.

39. These militia groups, their origins, the Defendants and their co-conspirators, in addition to their actions and the harm they have caused, are detailed in the following sections.

### **The Kenosha Guard, Boogaloo Bois, and the Kenosha Shooting**

40. In response to the protests of George Floyd’s death, Defendant Mathewson founded the Kenosha Guard in June 2020, appointing himself Commander. He created a Facebook page that described the group as “citizen volunteers that are ready to protect our great city,” and in an

interview he referred to the group as a militia.<sup>3</sup> This militia and its page did not garner much attention until it created the Call to Arms on August 24, 2020.

41. Several members of the Boogaloo Bois responded to the Kenosha Guard’s Call to Arms. This group began in the early 2010’s, primarily in online spaces. According to the SPLC, boogaloo “was frequently associated with racist violence and, in many cases, was an explicit call for race war. Today the term is regularly deployed by white nationalists and neo-Nazis who want to see society descend into chaos so that they can come to power and build a new fascist state.”<sup>4</sup> Several men wearing Hawaiian shirts and military fatigues—the uniform of the group—were seen carrying guns the night of August 25th.

42. The protests of the police shooting of Jacob Blake began on August 23rd, and the Kenosha Guard’s Call to Arms was issued the next day. Following its publication on the alt-right conspiracy website Infowars, it was given national attention, and the event page garnered over 3000 likes. The violent comments such as “leave a pile of them and burn the bodies” and “shoot to kill” then began to flood the page. Defendant Mathewson himself referred to the protestors as “thugs,” which is a racist dog-whistle used to refer to Black Americans, as well as urged members to “lock and load.”

43. Now-deleted Reddit threads in the subreddit r/Kenosha further encouraged violence. One poster claimed they were traveling from Green Bay with “lots of guns. Lots of pipe bombs. Going to cleanse the streets of rioters.” Others directly targeted non-whites and “degenerates” of Kenosha, stating that if they refused to leave “anything that happens to you or your children will be your fault.” One commenter posted “Time to Purge,” a reply to which stated “You excited to have a harem of n\*\*\*\*\* and c\*\*\*k little girls to abuse and f\*\*\* too? I am!”

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<sup>3</sup> <https://www.bbc.co.uk/sounds/play/m000lyzn>

<sup>4</sup> <https://www.splcenter.org/hatewatch/2020/06/05/boogaloo-started-racist-meme>

44. On the evening of August 25th, various Boogaloo Bois joined the Kenosha Guard to further the men's violent conspiracy, including Defendant Balch. Upon arriving in Kenosha, he went to Sheridan and 60<sup>th</sup> Street and found a group of armed men that included Defendant Rittenhouse. He inserted himself into the group, claiming to be a "Tactical Advisor," after which they proceeded to point their assault rifles at protestors, threatening, insulting, and harassing them with words such as "dyke" and "faggot," as well as kenneling and corralling them into various unsafe areas.

45. One of these cordoned-off sites was the Repair Shop parking lot, where Defendant Rittenhouse murdered his first victim. After the man collapsed, Defendant Rittenhouse fled, with protestors chasing after him and yelling for police to apprehend the shooter. Anthony Huber ran after him, attempting to disarm the young man with his skateboard, and was then shot dead. Defendant Rittenhouse also shot and severely wounded a third man before walking through a line of police with his hands up, undeterred, having successfully obeyed the command of the co-conspirator who advised the militia groups to "shoot to kill:"

Shoot to kill folks. Cause they won't give you a second chance.

1 Like

1 Share



46. Since the shooting, many Boogaloo Bois and co-conspirators praised Defendant Rittenhouse's actions. Claiming he is a hero of the movement, one post referred to him as one of "the bois." Various memes created by members of the Alt-Right Conspiracy venerate him, which greatly helps the popularity of the GoFundMe started for his defense attorney fees, which currently sits at over \$100,000.

### **The Wolverine Warriors, Higgins, and More Boogaloo Bois**

47. In the early summer of 2020, Pete Musico and his son-in-law, Joseph Morrison, created a group they dubbed the Wolverine Warriors. According to recorded conversations obtained by the SPLC, members discussed creating a society that followed the Bill of Rights, and, more notably, that the Governor of Michigan was violating the constitution and such tyrants should be murdered. Other members have a long history of supporting racist and misogynist rhetoric.<sup>5</sup>

48. Eight associates of this militia, including Defendant Brian Higgins, have been charged with conspiring in a domestic terrorist plot to kidnap and execute Governor Whitmer. According to a press release from the Office of Attorney General Dana Nessel, Defendant Higgins, a resident of Wisconsin Dells, has been charged with material support of an act of terrorism for his "alleged participation in a plan of domestic terrorism that included storming the Michigan Capitol building and harming government officials."

49. Co-conspirators Musico, Morrison, and Fox have been photographed wearing the insignia of the Boogaloo Bois. Additionally, Morrison has been nicknamed "Boogaloo Bunyon" by other members of the terrorist group. Upon information and belief, the majority of Wolverine

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<sup>5</sup> *Target 8: Inside the Plot to Kidnap the Governor*, News 8, Oct. 16, 2020, <https://www.woodtv.com/news/target-8/target-8-inside-the-plot-to-kidnap-the-governor/>

Warriors identified with the violently racist Boogaloo movement before the formation and furtherance of their domestic terrorist plot.

### **The Proud Boys and Its Members**

*“Who would you like me to condemn? Who? Proud Boys, stand back and stand by.”*

~ Donald Trump, 45th President of the United States

50. Founded by Gavin McInnes in 2016, the popularity of the Proud Boys rose sharply following the election of Trump. With chapters in over 40 states, it is estimated to have over 5000 members. It has a military division—the Fraternal Order of Alt-Knights—that boasts many prior and current military servicemen. The SPLC has designated it a hate group, considering its “Western Chauvinists” espouse violently racist, xenophobic, and sexist rhetoric, and various members have engaged in overt violence, such as the murder of Heather Heyer in Charlottesville.

51. So well-known is the racist and violent belief system of the Proud Boys that social media platforms such as Facebook and Twitter have banned them. Having been ostensibly forced off of these platforms (though many members still obfuscate their group names to avoid the notice of the algorithm), they now communicate primarily through apps such as Telegram.

52. The organization is divided into various tiers, with the SPLC noting:

There are three degrees of membership within the Proud Boys, and to become a first degree in the “pro-West fraternal organization” a prospective member simply has to declare “I am a western chauvinist, and I refuse to apologize for creating the modern world.” To enter the second degree, a Proud Boy has to endure a beating until they can yell out the names of five breakfast cereals (in order to demonstrate “adrenaline control”) and give up masturbation because, in theory, it will leave them more inclined to go out and meet women. Those who enter the third degree have demonstrated their commitment by getting a Proud Boys tattoo. Any man — no matter his race or sexual-orientation—can join the fraternal organization as long as they “recognize that white men are not the problem.”<sup>6</sup>

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<sup>6</sup> <https://www.splcenter.org/fighting-hate/extremist-files/group/proud-boys>

53. A man can become a fourth-tier member if he engages in violence against someone believed to be part of the political far left.

54. Defendant McInnes himself is an outspoken Islamophobe who has contributed articles to various alt-right websites including VDare.com, Taki's Magazine, and American Renaissance. Well known for his racist and misogynistic statements that he claims are "jokes" or used for their "shock value," he was pushed out of VICE, a media platform he co-founded. He now owns, contributes to, and operates CENSORED.TV, a subscription-based media service focused on espousing "Western values." The platform hosts videos such as "10 Things I Hate About the Goddamn Jews" and "White Noise." It also promotes content featuring Milo Yiannopoulos and other popular far-right figures.

55. Defendant McInnes uses his platform, wealth, and influence to recruit ever more members to join his hate group. Hosting content that clearly furthers the goals of the Alt-Right Conspiracy—with its misogyny, xenophobia, Islamophobia, and racism—encourages those who have watched this content to join the Conspiracy, then go on to murder protestors or engage in other acts of domestic terrorism.

56. Defendant Tarrio is a convicted felon and Chairman of the Proud Boys. He became acquainted with the group through Milo Yiannopoulos in 2017, then went on to become a fourth-degree member by engaging in violence against an ANTIFA demonstrator. He was in attendance at the Unite the Right rally in Charlottesville, and officially became Chairman of the group on November 29, 2018.

57. The Wisconsin Chapter of the Proud Boys was founded in 2017. Its current meeting place is the Explorium Brewpub in Greendale, Wisconsin, where Defendants Eric and Brad Doe—the Commander and Deputy Commander of the Wisconsin Chapter, respectively—meet to

discuss their conspiratorial plans. The Wisconsin Chapter has supported the actions of Defendant Rittenhouse, calling him “King Kyle,” and in a tweet stated: “Meets across the state are set for October [2020]! We’re going to have some fun discussing our President’s upcoming orders.”<sup>7</sup>

58. Defendant Augustus Sol Invictus is another member of the Proud Boys. A Sergeant at Arms of the American Guard and second in command of the Fraternal Order of Alt-Knights, the military offshoot of the Proud Boys, he was a headline speaker at the Charlottesville Unite the Right rally. In the 2010s, he legally changed his name from Austin Gillespie to the Latin phrase “majestic unconquered sun.”

59. He has espoused public calls to violence and has been filmed killing a goat and drinking its blood, a stunt that he claims was a pagan ritual. He also deeply admires anti-Semitic writers such as the Nazi Carl Schmitt, who he stated was “one of my primary legal, political, intellectual, and philosophical influences,” and Nazi-sympathizer Francis Yockey, whose book *Imperium* was so beloved that Defendant Invictus named his law firm after it. He is currently facing criminal charges for domestic violence and firearm violations.

#### **Defendants Engaged in Overt Acts in Furtherance of the Violent Alt-Right Conspiracy, Causing Injury to Plaintiffs**

60. These militia groups, which form the center of the Alt-Right Conspiracy, are connected by their shared beliefs in the racist, Western-centered ideology that espouses the superiority of white men. In support of this belief system, they have engaged in racially motivated violence, infiltrating the Midwest, engaging in domestic terrorism, and otherwise making it unsafe to travel, particularly if one is a member of a vulnerable minority group.

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<sup>7</sup> *Wisconsin Proud Boys Await Instructions From President Trump*, Wisconsin 12 News, Sept. 30, 2020, <https://www.wisn.com/article/wisconsin-proud-boys-await-instructions-from-president-trump/34226780>

61. This deprivation of the right to interstate travel has severely harmed Plaintiffs. Fetch & More, owned and operated by Mr. Bellocchio, is engaged in the business of training service dogs. Behaviorists travel the country, training and providing dogs to veterans in need. Patrons of this company are often veterans, People of Color, and/or members of the LGBTQ+ community.

62. While Fetch & More does business all over the United States, many customers are located in the Midwest. Moreover, the nature of the business is such that Mr. Bellocchio and employees must travel to the customers. However, everyone is terrified to leave the house, and with the current COVID-19 pandemic rendering it unsafe to train in small, enclosed spaces, the business is at a standstill. Contracts have been rescinded, appointments canceled, travel plans scrapped—all because of the violent actions of the Alt-Right Conspiracy.

### **Injuries Suffered**

63. Due to the actions of Defendants, Mr. Bellocchio has been deprived of his constitutionally protected right to engage in interstate travel. He has also had his property damaged in the form of lost business revenue and a decreased valuation of his company. The business itself has lost many customers, both current and prospective, and the revenue they generate. Personally, Mr. Bellocchio has suffered from extreme fear and emotional distress due to the life-threatening danger posed to him by the members of the Alt-Right Conspiracy.

### **CAUSES OF ACTION**

#### **COUNT I: 42 U.S.C. § 1985(3)**

64. Plaintiffs incorporate by reference the averments contained in all proceeding paragraphs.

65. This Count is brought by Plaintiff Bellocchio against all Defendants.

66. Defendants and their co-conspirators engaged in a conspiracy to deprive People of Color, members of the LGBTQ+ community, women, and their supporters—such as Mr. Bellocchio—of their constitutionally protected rights under the Thirteenth Amendment. Motivated by racist, xenophobic, and misogynistic beliefs, their overt acts in furtherance of the conspiracy deprived Mr. Bellocchio of his right to be free from violence, intimidation, and harassment, as well as prevented him from utilizing his right of freedom to travel. *See Griffin v. Breckenridge*, 403 U.S. 88, 105 (1971) (holding: “Our cases have firmly established that the right of interstate travel is constitutionally protected, does not necessarily rest on the Fourteenth Amendment, and is assertable against private, as well as governmental, interference”). The Defendants also committed various torts against Plaintiff, including civil conspiracy, interference with business contracts, and intentional infliction of emotional distress. This conspiracy resulted in both economic and emotional injury to Mr. Bellocchio, in addition to the loss of his rights under the Thirteenth Amendment.

67. As Against Defendants Mathewson and the Kenosha Guard: Mathewson founded the Kenosha Guard and claims to be its Commander. He then created a Facebook page for the group, which attracted many members who espoused racist rhetoric, as well as the event page that started the deadly events of Kenosha. His discussions with the group members, his statement to the Police Chief, as well as his use of racist dog whistles all establish he entered into an agreement with other co-conspirators of the Kenosha Guard to engage in racially motivated violence.

68. The group itself is a collection of members clearly driven by racial animus, who armed themselves with the intention of visiting violence upon peaceful protestors. Their claim that they desired to “protect property” is belied by the violent rhetoric espoused by group members and its affiliates on various internet forums.

69.       As Against Defendants Balch and Rittenhouse: According to his own Facebook post, Defendant Balch “joined a contingent of militia . . . headed to Kenosha Wisconsin,” and “after infiltrating Kenosha . . . inserted [himself] into a tactical advisement role” in the group of armed men that included Defendant Rittenhouse. This constituted the overt act in which he joined the conspiracy started by Defendant Mathewson and the Kenosha Guard.<sup>8</sup> Additionally, both Defendants Balch and Rittenhouse communicated extensively during the time that led up to Defendant Rittenhouse shooting three people. Given Defendant Balch’s previous history supporting white nationalist and Nazi propaganda, his intent to engage in the racially-motivated deprivation of rights suffered by Plaintiff is evident.

70.       As Against Defendants Wolverine Warriors, Boogaloo Bois, and Higgins: A group of Boogaloo Michigan residents created the Wolverine Warriors in an effort to foment civil war. Defendant Higgins, an associate of the Wolverine Warriors, engaged in overt acts with co-conspirators Fox, Morrison, and others to further a domestic terrorist plot to kidnap and execute the Michigan Governor, acts for which they are now facing federal criminal charges.

71.       The founders of the Wolverine Warriors identified as Boogaloo Bois by wearing their “uniform” of a Hawaiian shirt and tactical gear. The Boogaloo Bois were also represented in Kenosha by other members of the group—consisting of as-yet unidentified co-conspirators—in addition to Balch. This group, with its history of supporting the white supremacist movement, was instrumental in furthering the conspiracy to injure Plaintiff.

72.       As Against Defendants McInnes, CENSORED.TV, Tarrio, Eric & Brad Doe, Invictus, and the Proud Boys: The Proud Boys are listed by the SPLC as a hate group, with its

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<sup>8</sup> Plaintiff believes further discovery will show Balch communicated specifically with Mathewson and/or other Kenosha Guard members before arriving in Kenosha on August 25th.

members consisting of self-identified “Western Chauvinists” who were present at the Unite the Right rally in Charlottesville, an event that resulted in the death of Heather Heyer. Defendant McInnes, the founder of this group, and Defendant Tarrio, the acting Chairman, have engaged in furtherance of this racially motivated conspiracy for years by promoting the group and its violent tactics. Additionally, as a ranking member of the Order of the Alt Knights, the military wing of the Proud Boys, Defendant Invictus has engaged with co-conspirators in overt acts to further the conspiracy to deprive Americans of their constitutionally guaranteed freedoms.

73. As the owner of Defendant CENSORED.TV, Defendant McInnes uses his platform, wealth, and influence to recruit ever more members to join his hate group, promoting the founding of state-specific chapters such as the one in Wisconsin. Hosting content that clearly furthers the goals of the Alt-Right Conspiracy—with its misogyny, xenophobia, Islamophobia, as well as its racism—these Defendants are responsible for the violent acts of their co-conspirators who have watched this content, then gone on to murder protestors or engage in other acts of domestic terrorism.

74. Defendants Eric and Brad Doe, along with as-yet unnamed co-conspirators, founded the Wisconsin Chapter of the Proud Boys. These men have supported Defendant Rittenhouse, ratifying his acts of violence by crowning him “King Kyle” and creating complimentary memes,<sup>9</sup> thereby establishing that this violence is consistent with the conspiracy’s

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<sup>9</sup> Such as the following, which depicts Defendant Rittenhouse holding a long rifle with superheroes on both sides of him, bowing:



avowed goals. Tweets and other comments to the press have also indicated they are excitedly awaiting orders from Trump to engage in more violence against far-left activists.

75. Given the above facts, the elements of 42 U.S.C. § 1985(3) are met, and Defendants are liable to Plaintiff for the harm caused. *See A Soc'y Without A Name v. Virginia*, 655 F.3d 342, 346 (4th Cir. 2011) (noting that, to satisfy the elements of a § 1985(3) claim, the plaintiff must establish: (1) a conspiracy; (2) for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; and (3) an act in furtherance of the conspiracy; (4) whereby a person is either injured in his person or property or deprived of any right or privilege of a citizen of the United States).

#### **COUNT II: 42 U.S.C. § 1986**

76. Plaintiffs incorporate by reference the averments contained in all proceeding paragraphs.

77. This Count is brought by Plaintiff Bellocchio against all Defendants.

78. As alleged in Count I, a conspiracy occurred pursuant to section 1985(3) that resulted in injury to Plaintiff. The facts show Defendants Mathewson, the Kenosha Guard, Balch, Boogaloo Bois, and Rittenhouse all participated actively in the conspiracy that resulted in the death of two Kenosha protestors, and therefore had the power to prevent the violence that occurred.

79. With regard to the other named Defendants, their awareness of the conspiracy is supported by their tweets, other writings, and videos, much of it hosted on Defendant McInnes's CENSORED.TV platform. Instead of attempting to put out the fire, they fan the flames of violence

by actively recruiting more members by proudly supporting the Alt-Right Conspiracy in the media, in contravention to their duties set forth in 42 U.S.C. § 1986.

80. With these allegations, Plaintiffs have met the elements of 42 U.S.C. § 1986, and therefore all Defendants are liable for the harms Plaintiff suffered.

### **COUNT III: CIVIL CONSPIRACY**

81. Plaintiffs incorporate herein the averments contained in all prior paragraphs.

82. This count is brought by Plaintiffs Bellocchio and Fetch & More against all Defendants.

83. As previously alleged, Defendants engaged in the Alt-Right Conspiracy to commit various unlawful acts, which are set forth in the following paragraphs.

84. As Against Defendants Mathewson, the Kenosha Guard, Balch, the Boogaloo Bois, and Rittenhouse: With regard to the events of August 25, 2020, in Kenosha, many illegal acts were perpetrated by Defendants and their co-conspirators. Pointing rifles at protestors with the intent to intimidate constitutes harassment with a credible threat of violence, which is a misdemeanor pursuant to Wis. Stat. § 947.013(1r)(a). These actions further violate Wisconsin's prohibition on disorderly conduct, as set forth in Wis. Stat. § 947.01(1). More importantly, though, Wis. Stat. § 939.645 protects people and property from being targeted on the basis of race, religion, sexual orientation, or national origin. Defendants and co-conspirators violated this section when they hurled homophobic slurs, aimed military grade assault rifles at protestors, and otherwise engaged in violence that prevented Mr. Bellocchio from safely traveling.

85. This is, of course, in addition to the shooting of three protestors by Defendant Rittenhouse, who has been criminally charged for the two deaths and third severe injury.

86.       As Against Defendants Eric & Brad Doe, the Proud Boys, McInnes, Tarrio, and Invictus: The Wisconsin Chapter of the Proud Boys—which includes Defendants Eric and Brad Doe—ratified Defendant Rittenhouse’s shooting of the three protestors; additionally, it is believed they joined the other militia members in threatening Kenosha protestors and committing the violations of Wisconsin law detailed above.

87.       As the founder and chairman of the Proud Boys, McInnes and Tarrio, respectively, are liable for the foreseeable acts of their co-conspirators, who committed the unlawful acts set forth in the above paragraphs. Invictus, as a member of the militia wing of the Proud Boys, is similarly liable, and CENSORED.TV was used to promote the conspiracy.

88.       As Against Defendants Wolverine Warriors and Higgins: Defendant Higgins and his co-conspirators belonging to the Wolverine Warriors (who were also members of the Boogaloo Bois) engaged in a domestic terrorist plot, attempting to kidnap and execute the Governor of Michigan. They are currently facing federal criminal charges for undertaking this conspiracy.

89.       As detailed in Count I as well as the preceding paragraphs, Defendants engaged in overt actions to further the conspiracy to commit unlawful acts; therefore, they are liable under the theory of civil conspiracy as set forth in Wisconsin law. *See City of Milwaukee v. NL Indus., Inc.*, 278 Wis. 2d 313, 328–29 (Ct. App. 2004) (“To state a cause of action for civil conspiracy, the complaint must allege: (1) The formation and operation of the conspiracy; (2) the wrongful act or acts done pursuant thereto; and (3) the damage resulting from such act or acts.”).

#### **COUNT IV: TORTIOUS INTERFERENCE WITH BUSINESS CONTRACTS**

90.       Plaintiffs incorporate herein the averments contained in all prior paragraphs.

91. This count is brought by Plaintiff Bellocchio and Fetch & More against all Defendants.

92. Mr. Bellocchio and Fetch & More have many contracts with clients across the Midwest. However, because of the intentional acts of violence Defendants and their co-conspirators have visited upon this region—which was formerly known as a safe, friendly place for tourists and businesses alike—many clients have canceled their appointments and contracts.

93. Mr. Bellocchio and his employees were also forced to abandon their travel arrangements, and as a result, a great deal of business revenue has been lost.

94. This intentional interference with Plaintiffs' business contracts, without privilege to do so, meets the elements of the Wisconsin claim for tortious interference with business contracts; therefore, Defendants are jointly and severally liable for the lost revenue that resulted from their actions. *See Briesemeister v. Lehner*, 295 Wis. 2d 429, 452 (2006) (noting the claim is satisfied if an actual or prospective contract existed between plaintiff and a third party, defendant interfered with that contract or prospective contract, the interference was intentional, it caused plaintiff to sustain damages, and defendant was not justified or privileged to interfere).

#### **COUNT V: INTENTIONAL & NEGLIGENT INFILCTION OF EMOTIONAL DISTRESS**

95. Plaintiffs incorporate herein the averments contained in all prior paragraphs.

96. This count is brought by Plaintiff Bellocchio against all Defendants.<sup>10</sup>

97. The intentional, extreme, and outrageous conduct by Defendants caused severe emotional distress to Plaintiff. Suffering from intense fear, unable to exercise his right to travel

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<sup>10</sup> Defendants are liable for torts committed by their co-conspirators that were a reasonably foreseeable result of the conspiracy. *See Edwardson v. American Family Mut. Ins. Co.*, 223 Wis. 2d 754, 760 (Ct. App. 1998). The violence and threats of severe bodily harm from the actions of all co-conspirators is a reasonably foreseeable result of an agreement to replace American diversity and democracy with a white fascist ethnstate, through violent means.

across state lines, and concerned about losing his business, Mr. Bellocchio has suffered from extreme fear and other forms of severe emotional distress. Consequently, Defendants are liable to Plaintiff under the theory of intentional infliction of emotional distress, as set forth in *Alsteen v. Gehl*, 21 Wis. 2d 349, 360–61 (1963).

98. Alternatively, Defendants are liable under the theory of negligent infliction of emotional distress. The actions detailed in this complaint were, in a very generous sense, at least negligent. Therefore, the resulting injury suffered by Plaintiff as a result of the conduct of the members of the Alt-Right Conspiracy satisfy each element of the claim. *See Bowen v. Lumbermens Mut. Cas. Co.*, 183 Wis. 2d 627, 652–53 (1994) (“the traditional elements of a tort action in negligence—negligent conduct, causation and injury (here severe emotional distress)—should serve as the framework for evaluating a bystander’s claim of negligent infliction of emotional distress”).

#### **PRAYER FOR RELIEF**

Wherefore, Plaintiffs respectfully request an award of the following relief:

99. A declaratory judgment that the actions described herein deprived Plaintiff of his rights and guarantees under federal and state law.

100. Injunctive relief enjoining Defendants from future violations of Plaintiff’s rights guaranteed under federal and state law.

101. Compensatory and statutory damages at an amount to be determined at trial.

102. Punitive damages at an amount to be determined at trial.

103. Attorney fees and court costs pursuant to 42 U.S.C. § 1988, as applicable to 42 U.S.C. §§ 1985–86.

104. Such other relief as the Court deems just and proper.

Respectfully submitted,

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